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AS COUNTY, NEBRASKA

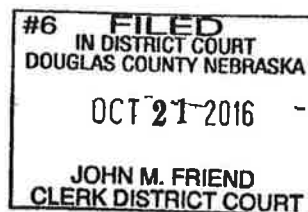
STATE OF NEBRASKA, ex rel.,
JIM MACY, Director,
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

WAYNE HERMANN d/b/a GREAT
PLAINS SEPTIC, GREAT PLAINS
PUMPING & SEPTIC, AND MID-
STATES AERATION,

Defendant.

Case No. CE16-8873**CONSENT DECREE**

COMES NOW the parties, Plaintiff, Jim Macy, Director of the Nebraska Department of Environmental Quality ("NDEQ"), proceeding on the Complaint filed herein and appearing through Counsel, Douglas J. Peterson, Attorney General, and Defendant, Wayne Hermann d/b/a Great Plains Septic, Great Plains Pumping & Septic, and Mid-States Aeration, and each party having consented to the making and entering of this Consent Decree without trial, request the entry of this Consent Decree.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Court has jurisdiction of the parties and the subject matter of this action pursuant to the Environmental Protection Act, Neb. Rev. Stat. § 81-1501 *et seq.* (Reissue 2014), and all rules, regulations, and orders promulgated thereunder.
2. In the Complaint, the Plaintiff alleged that on or about May 20, 2014, Defendant unlawfully engaged in an air fracturing process and failed to register an on-site septic system with NDEQ.

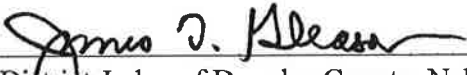


3. The parties agree that settlement of this matter is in the public interest and that entry of this Consent Decree is the most appropriate means of resolving their dispute. The parties desire to conclude this case without trial or adjudication of any issues of fact or law, without this Consent Decree constituting an admission by Defendant, with respect to such issues.
4. This Consent Decree shall be in full satisfaction of all claims between the parties alleged in the Plaintiff's Complaint.
5. IT IS THEREFORE ORDERED that Defendant shall pay a civil penalty under Neb. Rev. Stat. § 81-1508.02 (2) (Reissue 2014), in the amount of ten thousand dollars (\$10,000.00) as well as court costs in the amount of eighty two dollars (\$82.00), to the District Court for Douglas County, Nebraska. The civil penalty will be handled as provided by Article VII, Section V, of the Nebraska Constitution.
 - a. Two thousand five hundred dollars (\$2,500.00) of the civil penalty shall be paid within sixty (60) days of the entry of this Consent Decree and is payable to the Clerk of this Court.
 - b. Two thousand five hundred dollars (\$2,500.00) of the civil penalty shall be paid within ninety (90) days of the entry of this Consent Decree and is payable to the Clerk of this Court.
 - c. Five thousand dollars (\$5,000.00) of the civil penalty shall be paid no more than one hundred and eighty (180) days from the entry of this Consent Decree. However, if the Defendant maintains compliance with the provisions of the Environmental Protection Act and the rules or regulations adopted pursuant to the Act during the one hundred and eighty (180) days following the entry of this Consent Decree, payment of this five thousand dollars (\$5,000.00) in civil penalties shall be waived.

- d. The Defendant shall file with the Court and serve upon the Plaintiff a Showing within fifteen (15) days prior to the due date of the civil penalties under Paragraph 5(c). The Showing must certify that the Defendant has maintained compliance with all requirements listed in Paragraph 5(c).
- e. The Plaintiff shall file a Satisfaction of Judgment within ten (10) days of receipt of the Defendant's Showing. However, if the Defendant violates the requirements in Paragraph 5(c) during the one hundred and eighty (180) days following the entry of this Consent Decree, the Plaintiff, in its sole discretion, may file an Objection to the Defendant's Showing. If the Plaintiff files such an Objection, the determination of this waiver provision shall be stayed pending ongoing enforcement proceedings.
6. This Consent Decree will have no effect on any enforcement action brought by NDEQ against Defendant for future violations of any statutes or regulations.
7. The undersigned consent without further notice to the form and entry of this Consent Decree.

DATED THIS 20th day of October 2016, in Douglas County, Nebraska.

BY THE COURT:


District Judge of Douglas County, Nebraska

STATE OF NEBRASKA, ex rel.,
JIM MACY, Director,
NEBRASKA DEPARTMENT OF
ENVIRONMENTAL QUALITY,
Plaintiff

By: Douglas J. Peterson, #18146
Attorney General

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Attorneys for Plaintiff.

WAYNE HERMANN d/b/a GREAT
PLAINS SEPTIC, GREAT PLAINS
PUMPING & SEPTIC, AND MID-
STATES AERATION,
Defendant

By: 
Wayne Hermann

Defendant.